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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,508	03/20/2001	Hideki Ohkita	279260 T3AS-01S008-1	8908
909	7590	11/26/2003	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2614	4
DATE MAILED: 11/26/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/811,508

Applicant(s)

OHKITA, HIDEKI

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl, WO 99/14945.

In considering claims 1-4,

a) *the claimed video requesting and receiving means...* is met by controller/DTV 14 which receives the synthesized video via peripheral device 12 (Fig 2) via a composite video link.

b) *the claimed sub-video synthesizing means...* is met by the overlay function of DTV 14 which overlays TV applications with the combined video/OSD data from the peripheral device 12

c) *the claimed display means...* is met by the display of DTV 14 (Fig 2)

However, Stahl does not disclose in the embodiment of Fig 2, the sub-video checking means (d) nor the sub-video controlling means (e).

Stahl does disclose in another embodiment which implements a digital TV (Fig 4/5) that the control device 14 is notified of incoming OSD data from peripheral device 12 via a IEEE1394 communication in response to a request from controlling device 14 (sub-video synthesis status checking means). The controlling device 14 then controls (sub-video controlling means) the display based upon the notification of OSD data from peripheral device 12. The IEEE1394 communication interface is also used to transmit the video data along with the OSD data although they are overlaid in the controlling device 14 (DTV) via an overlay function prior to display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the embodiment of Figures (2, 4/5) by synthesizing/overlaying the video and OSD data prior to transmission to the controlling device 14 as done by Stahl in the previous embodiment (Fig 2), and requesting/transmitting OSD information status requests (Fig 4,5) in order to provide the user a display which displays the TV information along with the video/OSD data from the peripheral device in a manner which are all visible to the viewer.

In considering claims 2-4,  
*a) the claimed sub-video synthesizing means...*is met by the overlay function of the peripheral device 12 (Fig 2) which combines OSD data and video data via a composite video link.

*b) the claimed video transmitting means...* is met where the peripheral device 12 transmits the synthesized OSD/video data to DTV 14 as an NTSC signal (Fig 2).

However, Stahl does not disclose in the embodiment of Fig 2, the sub-video status notifying means.

Stahl does disclose in another embodiment which implements a digital TV (Fig 4/5) that the control device 14 is notified of incoming OSD data from peripheral device 12 via a IEEE1394 communication in response to a request from controlling device 14. The IEEE1394 communication interface is also used to transmit the video data along with the OSD data although they are overlayed in the controlling device 14 (DTV) via an overlay function prior to display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the embodiment of Figures (2, 4/5) by synthesizing/overlaying the video and OSD data prior to transmission to the controlling device 14 as done by Stahl in the previous embodiment (Fig 2), and requesting/transmitting OSD information status requests (Fig 4,5) in order to provide the user a display which displays the TV information along with the video/OSD data from the peripheral device in a manner which are all visible to the viewer.

In considering claim 5,

*The claimed wherein said sub-video controlling means changes a display form...* is met by DTV 14 which receives the location and size of the digital data received from peripheral device 12.

In considering claim 6,

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*The claimed wherein said sub-video controlling means recovers the display form...is* met where the overlay function of the DTV 14 (Fig 2, 4) overlays data that is received, thus if no data is received from the peripheral device then no overlaying of peripheral data (OSD) will occur and the display will return/recover to the non-overlay of OSD data display, thus displaying the TV application or video/digital tape from the peripheral device.

In considering claim 7,

Stahl does not explicitly disclose not overlapping of the sub-video synthesized and sub-video to be synthesized. Stahl does disclose a system which is able to display a peripheral devices 12 image information (video/digital tape) along with generated OSD data which is also combined/synthesized with the controller (TV/DTV, Fig 2/4) TV application and state machine information. Stahl also discloses that the received data from the peripheral device also includes the location and size of the data.

The placement/resizing of multiple images/data of a display are conventional in the art. Where it is known that when multiple picture-in-picture/image displays adjust/locate/resize the various images on the display in order to provide the viewer the ability to view all displayed images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stahl, which discloses the overlaying/synthesizing of multiple images/data on a display, by controlling the overlaying operation to ensure that all images displayed are viewable to the user.

In considering claims 8-9,

Stahl does not explicitly disclose identifying the sub-video showing whether the displayed sub-video is from the video processing device (controller) or from the video transmitting device (peripheral).

Stahl does disclose a system which is able to display a peripheral devices 12 image information (video/digital tape) along with generated OSD data which is also combined/synthesized with the controller (TV/DTV, Fig 2/4) TV application and state machine information. Stahl also discloses that the received data from the peripheral device also includes the location and size of the data.

The identifying of a displayed information as to which source the information is from is conventional in the art. Where it is conventional in a system which includes multiple images from different source to identify which information is from which source to inform the viewer the source of the information (i.e. PIP on a TV/VCR).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stahl which discloses overlaying/synthesizing of multiple images/data on a display, by controlling the overlaying operation to identify which images are from which source to inform the user the source of information.

In considering claim 10,

*The claimed further comprising input means for inputting user operations...* is met by remote control 13 (Fig 2,4) where the user is able to switch/control the peripheral device.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

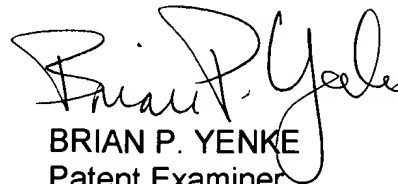
**Any response to this action should be mailed to:**

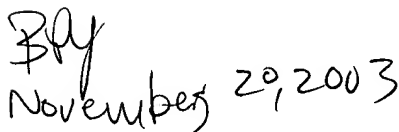
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Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

  
BRIAN P. YENKE  
Patent Examiner  
Art Unit 2614

  
November 20, 2003